IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1137 (M/B) of 2005

Raj Kumar S/o Sri Munu Singh,
Electrician Railway Deptt. Kashipur **and eleven others**
..... **Petitioners**

Vs

State of Uttaranchal, through Secretary, Department of Social Welfare, Dehradun and eleven others

.....Respondents

Sri S.C. Bhatt, ld. counsel for the petitioners
Ld. Standing counsel for the State

Dated: - September 4, 2006

Coram: Hon'ble P.C.Verma, J.
Hon'ble M.M. Ghildiyal, J.

By means of this writ petition, the petitioners have prayed for writ of certiorari quashing the order dated 25.8.2005 (Annexure No.10) passed by the Tehsildar, Kashipur, Distt. U.S. Nagar- as well as the consequential order dated 14.9.2005 (Annexure No.11) passed by Respondent No.12.

2. The petitioners claim to be the scheduled caste candidates and they were granted scheduled caste certificates in this regard. There is a dispute in respect tof the castes of the petitioners as to whether they falls under the scheduled caste category as notified in the Presidential order or not.

3. Learned counsel for the petitioners submitted that without giving opportunity of hearing to the petitioners, the impugned order dated 25.8.2005 has been passed by Tehsildar, Kashipur, Distt. U.S. Nagar

cancelling the caste certificates of the petitioners for scheduled caste community. A perusal of the impugned order shows that the opportunity has not been given before cancellation of the caste certificate of the petitioners.

4. In view of the above, we set aside the order dated 25.8.2005 passed by Tehsildar, Kashipur, Distt. U.S. Nagar and relegate the petitioners to approach the Collector concerned who shall re-examine the matter in detail by holding independent inquiry and after giving an opportunity to the individuals. The petitioners shall file applications independently against the cancellation of their caste certificates by the Tehsildar and the Collector concerned shall pass fresh order on the applications of the petitioners.

5. With the aforesaid observation, the writ petition is disposed of finally.

(M.M. Ghildiyal, J.) **(P.C. Verma, J.)**

Rajeev Dang